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February 15, 2023

Via ECF

The Honorable Thérèse Wiley Dancks
United States District Court
Northern District of New York
100 South Clinton Street
Syracuse, NY 13261

Re: Broadwater v. County of Onondaga et al., No. 22 Civ. 1241

Dear Judge Dancks:

We represent Plaintiff in the above-captioned case. We write to request an extension of time to serve Defendant George Lorenz until an administrator is appointed for his Estate, so that the proper party can be substituted in for Mr. Lorenz and served with process. Counsel for the City of Syracuse, County of Onondaga, and Gail Uebelhoer—all other Defendants in this case—do not object to this request.

After filing his Complaint on November 21, 2022, Plaintiff's counsel learned that Defendant George Lorenz is deceased. Plaintiff's counsel thereafter conducted an investigation to identify whether an administrator had been appointed for Mr. Lorenz's Estate, so that the correct party could be substituted in the Complaint and served with process. This investigation concluded that no administrator has been appointed for Mr. Lorenz's Estate. Thus, there is currently no proper party to serve with process or name in Mr. Lorenz's place.

To remedy this issue, Plaintiff's counsel has retained an attorney to file a Petition in the Onondaga County Surrogate's Court to appoint the Public Administrator as the administrator of Mr. Lorenz's Estate. However, the current deadline for service under Fed. R. Civ. P. 4(m) is February 19, and the process of having the Public Administrator appointed will not be completed before then.

EMERY CELLI BRINCKERHOFF ABADY WARD & MAAZEL LLP

Page 2

Accordingly, Plaintiff requests an extension of time to serve Defendant George Lorenz until an administrator is appointed for his Estate, at which point Plaintiff will file a motion to substitute the Estate in as the proper Defendant and serve the Estate with process. In connection with this motion, Plaintiff is willing to file a status letter every 60 days—or another time interval as the Court prefers—to update the Court on the status of the Surrogate’s Court proceedings.

Respectfully Submitted,

/s

Earl S. Ward

c. All Counsel of Record via ECF